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AMENDMENTS TO THE CLAIMS

Prior to the present communication, claims 1-14, 16-23, 25-31, 33-40 and 42-51 were pending in the subject application, with claims 8, 9, 17, 25, 26, 34, 42, 43, and 51 having been withdrawn. All claims stand rejected under either § 102(e) or § 103(a). Each of the independent claims 1, 18, and 35 has been amended herein, while claims 7 and 10 have been canceled and no claims have been added. Thus, claims 1-6, 11-14, 16, 18-23, 27-31, 33, 35-40, and 44-50 remain under examination. It is respectfully submitted that no new matter has been added by way of the present amendments. All claims currently pending and under consideration in the present application are shown below. This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently Amended) A computer-implemented method for displaying a warning that a clinical agent received from a clinician should not be administered to a person, comprising the steps of:

receiving from a clinician clinical agent information, the clinical agent information including an identifier of a specific clinical agent;

determining if a gene is associated with the clinical agent by comparing the identifier of the clinical agent received form the clinician to a first data set containing agent-gene associations[[.]] ~~and if~~

when a gene is associated with the clinical agent, automatically obtaining a genetic test result value for the associated gene of a person, wherein automatically obtaining comprises:

(a) receiving a patient identifier of the person to whom the clinical agent is to be administered and proper authorization to access an electronic medical record (EMR) of the person; and

(b) utilizing the patient identifier and the proper authorization to access a second data set within the EMR of the person stored within a comprehensive healthcare system;

comparing the genetic test result value to a the second data set containing one or more polymorphism values associated with one or more atypical clinical events for the clinical agent; and

determining whether the genetic test result value correlates to one or more of the one or more polymorphism values contained in the second data, and if so, displaying a warning to the clinician that the clinical agent received form the clinician should not be administered, and recording an indication of the warning in the EMR of the person.

2. (Original) The method of claim 1, wherein the clinical agent information includes a dosage of the identified clinical agent.

3. (Original) The method of claim 1, wherein the clinical agent information is received over a communication network from a remote computer.

4. (Previously Presented) The method of claim 1, wherein the step of determining if a gene is associated with the clinical agent includes querying the first data set containing agent-gene associations and determining if a gene has one or more variants associated with an atypical response to the identified clinical agent.

5. (Previously Presented) The method of claim 4, wherein the gent has one or more variants associated with an atypical response to the identified clinical agent.

6. (Original) The method of claim 4, further comprising the step of initiating a clinical action if a gene has at least one variant associated with an atypical response to the identified clinical agent.

7. (Canceled).

8. (Withdrawn) The method of claim 6, wherein the clinical action is ordering a genetic test for the person.

9. (Withdrawn) The method of claim 6, wherein the clinical action is canceling another clinical action.

10. (Canceled).

11. (Previously Presented) The method of claim 1, wherein the first data set of agent-gene associations may be updated.

12. (Previously Presented) The method of claim 1, wherein the second data set includes information about risks associated with the atypical clinical event.

13. (Previously Presented) The method of claim 12, wherein the step of outputting information includes accessing the risk information in the second data set.

14. (Previously Presented) The method of claim 1, wherein the first data set and the second data set are incorporated into a single data set.

15. (Canceled).

16. (Previously Presented) The method of claim 1, wherein the clinical agent information includes a dosage of the identified clinical agent, and wherein the second data set includes information about risks associated with various dosages of the identified clinical agent.

17. (Withdrawn) The method of claim 1, further comprising the step of outputting information that the person is not at risk if the genetic test result value does not correlate to a polymorphism value.

18. (Currently Amended) A computer system for displaying a warning that a clinical agent received from a clinician should not be administered to a person, comprising:

a receiving component that receives from a clinician clinical agent information, the clinical agent information including an identifier of a specific clinical agent;

a first determining component that determines ~~if~~ whether a gene is associated with the clinical agent by comparing the identifier of the clinical agent received from the clinician to the first data set containing agent-gene associations, when the clinical agent is not associated with a gene from the first data set, the first determining component approves administration of the clinical agent;

an obtaining component for obtaining a genetic test value for the associated gene of a person ~~if~~ when a gene is associated with the clinical agent;

a comparing component for comparing the genetic test result value to a second data set containing one or more polymorphism values associated with one or more atypical clinical events for the clinical agent;

a second determining component that determines whether the genetic test result value correlates to one or more of the one or more polymorphism values contained in the second data set, and

a displaying component for displaying in a notification window a warning to the clinician that the clinical agent received from the clinician should not be administered to the person upon a determination that the genetic test result value for the person correlates to one or more of the polymorphism values associated with one or more atypical clinical events, wherein the notification window surfaces a selectable area for accessing information regarding the one or more of the polymorphism values and alternative treatments thereof.

19. (Original) The computer system of claim 18, wherein the clinical agent information includes a dosage of the identified clinical agent.

20. (Original) The computer system of claim 18, wherein the clinical agent information is received over a communication network from a remote computer.

21. (Previously Presented) The computer system of claim 18, wherein the first determining component includes a querying component that queries the first data set containing agent-gene associations, and wherein the system further comprises a third determining component that determines if a gene has one or more variants associated with an atypical response to the identified clinical agent.

22. (Previously Presented) The computer system of claim 21, wherein the gene has one or more variants associated with an atypical response to the identified clinical agent.

23. (Original) The computer system of claim 21, further comprising an initiating component that initiates a clinical action if a gene has at least one variant associated with an atypical response to the identified clinical agent.

24. (Canceled).

25. (Withdrawn) The computer system of claim 23, wherein the clinical action is ordering a genetic test for the person.

26. (Withdrawn) The computer system of claim 23, wherein the clinical action is canceling another clinical action.

27. (Previously Presented) The computer system of claim 18, wherein the obtaining component is configured to obtain the genetic test result value from an electronic medical record of the person stored within a comprehensive healthcare system.

28. (Previously Presented) The computer system of claim 18, wherein the first data set of agent-gene associations may be updated.

29. (Previously Presented) The computer system of claim 18, wherein the second data set includes information about risks associated with the atypical clinical event.

30. (Previously Presented) The computer system of claim 29, wherein the outputting component includes an accessing component that accesses the risk information in the second data set.

31. (Previously Presented) The computer system of claim 18, wherein the first data set and the second data set are incorporated into a single data set.

32. (Canceled).

33. (Previously Presented) The computer system of claim 18, wherein the clinical agent information includes a dosage of the identified clinical agent, and wherein the second data set includes information about risks associated with various dosages of the identified clinical agent.

34. (Withdrawn) The computer system of claim 18, further comprising a second outputting component that outputs information that the person is not at risk if the genetic test result value does not correlate to a polymorphism value.

35. (Currently Amended) A computer-readable medium containing instructions for controlling a computer system for displaying a warning that a clinical agent received from a clinician should not be administered to a person, by:

receiving from a clinician clinical agent information, the clinical agent information including an identifier of a specific clinical agent;

determining if a gene is associated with the clinical agent by comparing the identifier of the clinical agent received from the clinician to a first data set containing agent-gene association[[,]] ~~and if~~

when a gene is associated with the clinical agent, ~~obtaining~~ attempting to obtain a genetic test result value for the associated gene of the person;

upon obtaining the genetic test result value, comparing the genetic test result value to a second data set containing one or more polymorphism values associated with one or more atypical clinical events for the clinical agent; ~~and~~

determining whether the genetic test result value correlates to one or more of the one or more polymorphism values contained in the second data, and if so,

displaying a warning to the clinician that the clinical agent received from the clinician should not be administered;[[.]]

when the genetic test result value cannot be obtained, calculating the likelihood that the person displays a genetic mutation linked to the gene associated with the clinical agent based on demographic information associated with the person or genetic variability of the gene within the general population; and

constructing a message to communicate the calculated likelihood of the genetic mutation and any atypical clinical events that are associated therewith.

36. (Original) The computer-readable medium of claim 35, wherein the clinical agent information includes a dosage of the identified clinical agent.

37. (Original) The computer-readable medium of claim 35, wherein the clinical agent information is received over a communication network from a remote computer.

38. (Previously Presented) The computer-readable medium of claim 35, wherein the step of determining if a gene is associated with the clinical agent includes querying the first data set containing agent-gene associations and determining if a gene has one or more variants associated with an atypical response to the identified clinical agent.

39. (Previously Presented) The computer-readable medium of claim 38, wherein the gene has one or more variants associated with an atypical response to the identified clinical agent.

40. (Original) The computer-readable medium of claim 38, further comprising the step of initiating a clinical action if a gene has at least one variant associated with an atypical response to the identified clinical agent information.

41. (Canceled).

42. (Withdrawn) The computer-readable medium of claim 40, wherein the clinical action is ordering a genetic test for the person.

43. (Withdrawn) The computer-readable medium of claim 40, wherein the clinical action is canceling another clinical action.

44. (Previously Presented) The computer-readable medium of claim 35, wherein obtaining a genetic test result value for the associated gene of the person comprises obtaining the genetic test result value from an electronic medical record of the person stored within a comprehensive healthcare system.

45. (Previously Presented) The computer-readable medium of claim 35, wherein the first data set of agent-gene associations may be updated.

46. (Previously Presented) The computer-readable medium of claim 35, wherein the second data set includes information about risks associated with the atypical clinical event.

47. (Previously Presented) The computer-readable medium of claim 46, wherein the step of outputting information includes accessing the risk information in the second data set.

48. (Previously Presented) The computer-readable medium of claim 35, wherein the first data set and the second data set are incorporated into a single data set.

49. (Original) The computer-readable medium of claim 35, wherein the output information includes a message containing a warning of a patient specific risk.

50. (Previously Presented) The computer-readable medium of claim 35, wherein the clinical agent information includes a dosage of the identified clinical agent, and wherein the second data set includes information about risks associated with various dosages of the identified clinical agent.

51. (Withdrawn) The computer-readable medium of claim 35, further comprising the step of outputting information that the person is not at risk if the genetic test result value does not correlate to a polymorphism value.

SUMMARY OF TELEPHONIC INTERVIEW

On December, 2 2008, a telephonic interview was conducted with Examiner Sims in which Applicants' representative discussed the deficiencies of references cited in the Office Action in support of the 35 U.S.C. § 102(e) rejection of claims 1, 18, and 35. Specifically, Applicants' representatives brought to the attention of the Examiner that certain inventive aspects of the claimed invention are not taught by the cited Hogan reference (discussed below). The Examiner indicated that amendments to the independent claims may help clarify distinctions between the claimed invention and Hogan. Agreement on the claims was not reached.